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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,444	01/06/2005	Teruo Uchibori	SAEG103.003APC	2790

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EXAMINER
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GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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11/02/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	Application No. 10/520,444	Applicant(s) UCHIBORI ET AL.	
	Examiner Dawn Garrett	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office action is in response to the amendment filed August 14, 2007. Claims 1 and 2 were amended. Claims 7-9 are canceled. Claims 17 and 18 were added.
2. The rejection of claims 1-16 under 35 U.S.C. 112, second paragraph, is withdrawn due to the amendment.
3. The rejection of claims 1, 5, 6, and 8-10 under 35 U.S.C. 102(b) as being anticipated by Taylor (US 4,013,566) is withdrawn due to the amendment.
4. The rejection of claims 12-16 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Nikaido (US 5,300,858) is withdrawn due to the amendment.
5. The rejection of claims 1-6 and 8-16 under 35 U.S.C. 103(a) as being obvious over Kawaguchi et al. (6,673,436 B2) is withdrawn due to the amendment.
6. The rejection of claims 1-3, 5, 6, and 8 under 35 U.S.C. 103(a) as being obvious over Kawaguchi et al. (JP 2001-354780) is withdrawn due to the amendment.
7. The rejection of claims 1-7, 9 and 11 under 35 U.S.C. 103(a) as being unpatentable over Shigeta et al. (US 5,078,909) is withdrawn due to the amendment.
8. The rejection of claims 12-16 under 35 U.S.C. 103(a) as being unpatentable over Shigeta (US 5,078,909) in view of Nikaido (US 5,300,858) is withdrawn due to the amendment.

### ***Claim Rejections - 35 USC § 103***

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 5, 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282). Taylor teaches flexible desiccant bodies (see title). The body may comprise desiccant material and an epoxy polymer matrix (see abstract) and may further comprise carbon black filler with regard to the "thermally conductive" material (see col. 5, lines 5-16). With regard to claim 5, the desiccant is contained in an amount of 10-90% by weight (see col. 8, lines 16-22). With regard to claim 6, the polymer is described as an epoxy (see abstract). With regard to claim 10 the teaching of carbon black is considered to read upon the claim absent evidence otherwise. With regard to claim 11, the density is not discussed; however, density is considered to be an optimizable feature for one of ordinary skill in the art to provide a desired density and concentration of desiccant material to achieve a desired purpose. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Taylor is silent with respect to the specific type of carbon black. Yui et al. teaches acetylene and ketjen black are known forms of carbon black (see col. 3, lines 49-52). It would have been obvious to one of ordinary skill in the art to have selected either acetylene or ketjen black as the carbon black of the Taylor invention, because one would expect the two forms to be useable as carbon black with a predictable result.

11. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282) in further view of Kawaguchi et al. (US 6,673,436 B2). Taylor is silent with respect to the desiccant limitations of claims 2-4. Kawaguchi teaches in analogous art Hygroscopic material may include CaO, BaO or SrO per claims 2 and 3 (see col. 2, lines 60-63). The hygroscopic agent is a powder having a specific surface area of not less than  $10\text{m}^2/\text{g}$  per claim 4 (see col. 2, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the desiccant material taught by Kawaguchi into the Taylor device, because Taylor teaches the use of a desiccant and one would expect the Kawaguchi materials to operate as hygroscopic/desiccating material with a predictable result.

12. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282) in further view of Kawaguchi et al. (JP 2001-354780). Taylor is silent with respect to the desiccant limitations of claims 2-4. Kawaguchi teaches hygroscopic material may include CaO, BaO or SrO per claims 2 and 3 (see par. 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the desiccant material taught by

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Kawaguchi into the Taylor device, because Taylor teaches the use of a desiccant and one would expect the Kawaguchi materials to operate as hygroscopic/desiccating material with a predictable result.

13. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282) and in further view of Nikaido (US 5,300,858). Taylor teaches a molded desiccant article for an appliance, but fails to *specifically* teach the desiccant article incorporated into an organic electroluminescent device. Nikaido teaches it is desirable to include a desiccant material in an EL panel in order to avoid degradation of the device (see figures and text). It would have been obvious to one of ordinary skill in the art to have incorporated the desiccant material taught by Taylor into the EL devices taught by Nikaido, because one would expect the desiccant material to be similarly useful in removing moisture for the Nikaido devices.

14. Claims 1, 5, 6, 10, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949). Taylor teaches flexible desiccant bodies (see title). The body may comprise desiccant material and an epoxy polymer matrix (see abstract) and may further comprise carbon black filler with regard to the "thermally conductive" material (see col. 5, lines 5-16). With regard to claim 5, the desiccant is contained in an amount of 10-90% by weight (see col. 8, lines 16-22). With regard to claim 6, the polymer is described as an epoxy (see abstract). With regard to claim 10 the teaching of carbon black is considered to read upon the claim absent evidence otherwise. With regard to claim 11, the density is not discussed; however, density is considered to be an optimizable feature for one of ordinary skill in

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the art to provide a desired density and concentration of desiccant material to achieve a desired purpose. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Taylor clearly teaches an epoxy matrix, but does not mention a curing agent for the epoxy. Ito et al. teaches both adipic and isophthalic dihydrazide are good curing agents for forming an epoxy based article (see Table 1, abstract and entire document). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated a curing agent into the Taylor article, because Ito et al. teaches curing agents such as dihydrazides are useful in forming an epoxy article.

15. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949) and in further view of Nikaido (US 5,300,858). Taylor teaches a molded desiccant article for an appliance, but fails to *specifically* teach the desiccant article incorporated into an organic electroluminescent device. Nikaido teaches it is desirable to include a desiccant material in an EL panel in order to avoid degradation of the device (see figures and text). It would have been obvious to one of ordinary skill in the art to have incorporated the desiccant material taught by Taylor into the EL devices taught by Nikaido, because one would expect the desiccant material to be similarly useful in removing moisture for the Nikaido devices.

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16. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949) in further view of Kawaguchi et al. (US 6,673,436 B2). Taylor is silent with respect to the desiccant limitations of claims 2-4. Kawaguchi teaches in analogous art Hygroscopic material may include CaO, BaO or SrO per claims 2 and 3 (see col. 2, lines 60-63). The hygroscopic agent is a powder having a specific surface area of not less than  $10\text{m}^2/\text{g}$  per claim 4 (see col. 2, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the desiccant material taught by Kawaguchi into the Taylor device, because Taylor teaches the use of a desiccant and one would expect the Kawaguchi materials to operate as hygroscopic/desiccating material with a predictable result.

17. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949) in further view of Kawaguchi et al. (JP 2001-354780). Taylor is silent with respect to the desiccant limitations of claims 2-4. ". Kawaguchi teaches hygroscopic material may include CaO, BaO or SrO per claims 2 and 3 (see par. 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the desiccant material taught by Kawaguchi into the Taylor device, because Taylor teaches the use of a desiccant and one would expect the Kawaguchi materials to operate as hygroscopic/desiccating material with a predictable result.

18. Claims 1, 5, 6, 10, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363). Taylor



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teaches flexible desiccant bodies (see title). The body may comprise desiccant material and an epoxy polymer matrix (see abstract) and may further comprise carbon black filler with regard to the “thermally conductive” material (see col. 5, lines 5-16). With regard to claim 5, the desiccant is contained in an amount of 10-90% by weight (see col. 8, lines 16-22). With regard to claim 6, the polymer is described as an epoxy (see abstract).

With regard to claim 10 the teaching of carbon black is considered to read upon the claim absent evidence otherwise. With regard to claim 11, the density is not discussed; however, density is considered to be an optimizable feature for one of ordinary skill in the art to provide a desired density and concentration of desiccant material to achieve a desired purpose. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Taylor clearly teaches an epoxy matrix, but does not mention incorporating polyacrylic acid hydrazide. Harashina teaches incorporating a nitrogen-containing compound such as polyacrylic acid hydrazide into a shaped flame-retardant article (such as lighting equipment) comprising epoxy resins (see compound D-17, col. 37, line 57 and col. 26). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated polyacrylic acid hydrazide into the Taylor article,

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because Harashina teaches it may help provide the benefits of strength and flame-retardant properties to a shaped polymeric article.

19. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) and in further view of Nikaido (US 5,300,858). Taylor teaches a molded desiccant article for an appliance, but fails to *specifically* teach the desiccant article incorporated into an organic electroluminescent device. Nikaido teaches it is desirable to include a desiccant material in an EL panel in order to avoid degradation of the device (see figures and text). It would have been obvious to one of ordinary skill in the art to have incorporated the desiccant material taught by Taylor into the EL devices taught by Nikaido, because one would expect the desiccant material to be similarly useful in removing moisture for the Nikaido devices.

20. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) in further view of Kawaguchi et al. (US 6,673,436 B2). Taylor is silent with respect to the desiccant limitations of claims 2-4. Kawaguchi teaches in analogous art hygroscopic material may include CaO, BaO or SrO per claims 2 and 3 (see col. 2, lines 60-63). The hygroscopic agent is a powder having a specific surface area of not less than  $10\text{m}^2/\text{g}$  per claim 4 (see col. 2, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the desiccant material taught by Kawaguchi into the Taylor device, because Taylor teaches the use of a desiccant and one would expect the

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Kawaguchi materials to operate as hygroscopic/desiccating material with a predictable result.

21. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) in further view of Kawaguchi et al. (JP 2001-354780). Taylor is silent with respect to the desiccant limitations of claims 2-4. Kawaguchi teaches hygroscopic material may include CaO, BaO or SrO per claims 2 and 3 (see par. 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the desiccant material taught by Kawaguchi into the Taylor device, because Taylor teaches the use of a desiccant and one would expect the Kawaguchi materials to operate as hygroscopic/desiccating material with a predictable result.

### ***Response to Arguments***

22. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dawn Garrett/  
Dawn Garrett  
Primary Examiner  
Art Unit 1794